



LEGISLATIVE UPDATE

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New Hampshire Department of Environmental Services

HB 1415

Relative to Permits for Repair
or Replacement of Sewage
and Waste Disposal System.

- Realtors Approached Representative Warden
- Initial Proposal brought Back the R&R Rules from 1999
- Bill was Passed/Adopted with Amendment on March 7th Which Created a Permit-by-Rule

RSA 485-A:33, IV

- (a) The repair or replacement in-kind of a sewage or waste disposal system shall qualify for a permit by rule, provided all of the following criteria are met:
 - (1) The existing system receives only domestic sewage.
 - (2) There is no increase in sewage loading proposed for the repaired or replacement system.

- (3) The bottom of the bed is located no less than 24 inches above the seasonable high water table.
- (4) The system is located 75 feet or more from an abutter's well unless there is a standard well release form recorded with the registry of deeds in accordance with RSA 485-A:30-b or there is an existing department waiver to the distance for the abutter's well.

- (5) The system is located 75 feet or more from the owner's well unless there is an existing department waiver to the distance for the owner's well.
- (6) The existing system received prior construction and operational approval from the department and the replacement or repaired system will conform to the provisions of such approval, provided the department may by rule require a minimum septic tank size of 1,000 gallons.

- (7) The system is not within 75 feet of any surface water, water supply well, or very poorly drained soil unless authorized by the prior departmental approval described in subparagraph (6).
- (8) No new waivers to the department's rules are requested.
- (9) The system has not been previously repaired or replaced under a permit by rule in accordance with the provisions of this paragraph.

- (b) Construction of the system may proceed upon the submission of an application to the department by a permitted designer under RSA 485-A:35 and receipt of the permit by rule from the department.

- (c) The repaired or replacement system shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspection by the department shall be accomplished within 7 business days after receipt of written notice from the installer that the system is ready for inspection. The installer shall provide the authorized agent of the department, at the time of the inspection, a copy of the previously approved plan bearing the state approval stamp and associated operational approval, and an existing conditions plan bearing the seal of the permitted designer performing work under the permit by rule.

- (d) The applicant submitting the permit by rule application shall assume all liability and responsibility for the components of the design that are part of the system being repaired or replaced under the permit by rule.
- (e) The installer constructing the system shall assume all liability and responsibility for the construction of the system components repaired or replaced under the permit by rule.

HB 1721

Relative to permitting for the replacement of sewage disposal systems and relative to oil spillage prevention, control, and countermeasure plans.

- Sponsored by Representative Ritter (Builder)
- Addresses the Expansion Rule Env-Wq 1415
- Initial Proposal did not require any DES Oversight So Long as the System had DES Approvals
- Bill was Passed/Adopted with Amendment on March 7th

- **(a)** No construction or operational approval shall be required from the department prior to expanding, relocating, or replacing any structure that does not increase the load on a sewage disposal system, as long as all of the following conditions are met:

- **(1)(A)** The lot is served by a sewage disposal system that received construction and operational approval from the department within 20 years of the date of the issuance of a building permit for the proposed expansion, relocation, or replacement; *or*
- **(B)** *The lot is 5 acres or more in size.*

- **(2)** If the property is nonresidential, no waivers were granted in the construction or operational approval of any requirements for total wastewater lot loading, depth to groundwater, or horizontal distances to surface water, water supply systems, or very poorly drained soils.
- **(3)** When applicable, the proposed expansion, relocation, or replacement complies with the requirements of the shoreland water quality protection act, RSA 483-B.

- ***b) An owner of a project that requires department approval to proceed because neither of the conditions of subparagraphs (a)(1)(A) or (B) are met, may either submit for approval a design for a new sewage disposal system or apply for a permit by rule for in-kind replacement under RSA 485-A:33, IV. Under either approach, once approval for the sewage disposal system is received from the department, work may commence on expanding, relocating, or replacing the structure. Construction of the sewage disposal system is not required to satisfy the requirements of this subparagraph.***

DISPOSAL OF SPENT LEACHFIELD MATERIALS

- MANAGED UNDER THE WASTE MANAGEMENT DIVISION RULES AS A “LEACHFIELD REPAIR RESIDUALS LANDFILL”
- Env-Sw 810.05 Leachfield Repair Residuals Landfills. Subject to Env-Sw 810.03 (Exemption Conditions), no permit shall be required to bury waste soil and stone from the repair or replacement of existing leaching fields regulated under Env-Ws 1000, provided that:

- (a) The burial location shall be on the same property as the waste generation site;
- (b) The buried waste shall be placed at least 4 feet above the seasonal high water table and bedrock; and
- (c) The burial location shall meet the minimum separation distances for leach bed trenches required in Env-Ws 1008.

WASTE CONCRETE

- May be managed the same as soil and stone in accordance with:
 - Env-Sw 810.04 On-site Asphalt and Masonry Debris Landfills; and
 - Env-Sw 810.06 Abandoned Underground Structures
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- USE COMMON SENSE WHEN BURYING MATERIAL ON-SITE